IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5671 OF 2007

Rajaram Baburao Dhongade .... Petitioner

versus

Gopalrao Raoji Gulve & ors..... Respondent.

Shri N.N.Badrashete forthe petitioner
Mr. Vaibhav M. Parshuram i/b Ashish S. Gaikwad for respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 07TH AUGUST, 2007

P.C.;

1. By the present petition, the petitioner questions the legality and validity of the order passed by the Returning Officer, accepting the nomination form of respondent no.1. There is a dispute as to whether the respondent no.1 satisfies the criteria laid down under the bye-law no.32(10) of the respondent no.2. The petitioner does not appear to have raised the objection when the nomination of the respondent was accepted. The process of election is half way and the last date for withdrawal of the nomination paper is 9-8-2007. It is not possible to decide the present petition by then without obstructing the process of election. Hence no interference in exercise of writ jurisdiction is called for. Writ petition is thus

summarily dismissed. However, it is made clear that it shall be open for the petitioner to file appropriate election petition if so advise. All questions raised in the present petition are left open to be agitated in the election petition.

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